

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Guillermo J. Tearney et al.

Serial No. : 10/765,430

Filed : January 26, 2004

Entitled : SYSTEM AND METHOD FOR IDENTIFYING TISSUE USING  
LOW-COHERENCE INTERFEROMETRY

Group Art Unit : 3737

Examiner : To be assigned

Confirmation No. : 1546

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached Form PTO-1449, and respectfully request that the listed documents be considered by the Examiner and made of record in the above-captioned application. Copies of the United States patent references listed on the Form PTO-1449 are not enclosed, but the PCT, foreign and non-patent references are enclosed.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed documents are material or constitute “prior art.” If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute “prior art” under

United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should the documents be applied against the claims of the present application.

This submission is being filed before any action by the U.S. Patent and Trademark Office on the merits. Therefore, applicants do not believe that any fee is due in connection with the submission of this paper. However, if any fee is due, or if any overpayment has been made, the Commissioner is authorized to charge any such fee or credit any overpayment, to our Deposit Account No. 50-2054.

Respectfully submitted,

**DORSEY & WHITNEY, LLP**

December 8, 2006



Gary Abelev  
PTO Reg. No. 40,479  
Attorneys for Applicants  
(212) 415-9371

Form PTO-1449 U.S. Department of Commerce  
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.  
036140/US - 475387-00020

Serial No.  
10/765,430

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(Use several sheets if necessary)

Applicant(s)  
Guillermo J. Tearney et al.

Filing Date  
January 26, 2004

Group No.  
3737

## **U.S. PATENT DOCUMENTS**

*Exam. Init.	Document No.							Date	Name	Class	Subclass	Filing Date if Appropriate
	6	3	8	4	9	1	5	May 7, 2002	Everett et al. ****			
	6	6	1	5	0	7	1	September 2, 2003	Casscells, III et al. ****			
2003	0	1	7	1	6	9	1	September 11, 2003	Casscells, III et al. ****			
	6	2	7	2	3	7	6	August 7, 2001	Marcu et al. ****			
	5	8	6	7	2	6	8	February 2, 1999	Gelikonov et al.			
	6	1	7	4	2	9	1	January 16, 2001	McMahon et al.**			
	5	8	9	2	5	8	3	April 6, 1999	Lj*****			
	6	0	9	1	4	9	6	July 18, 2000	Hill*****			
	5	8	0	1	8	2	6	September 1, 1998	Williams*****			
	5	4	5	4	8	0	7	October 3, 1995	Lennox et al.*****			
	5	8	4	3	0	5	2	December 1, 1998	Benja- Athon*****			
	6	1	3	4	0	3	3	October 17, 2000	Bergano et al.*****			
2005	0	0	1	8	2	0	1	January 27, 2005	De Boer *****			
	6	5	5	6	8	5	3	April 29, 2003	Cabib et al. *****			

## **FOREIGN PATENT DOCUMENT**

Document No.							Date	Country	Class	SubClass	Translator Yes No	

Examiner

Date Considered

\* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce  
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.  
036140/US — 475387-00020

Serial No.  
10/765,430

**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**

(Use several sheets if necessary)

Applicant(s)  
Guillermo J. Tearney et al.

Filing Date  
January 26, 2004

Group No.  
3737

\*\* References cited in International Search Report

\*\*\*\* References cited in Office Action dated August 24, 2006 for U.S. Patent Application No. 10/137,749

\*\*\*\*\* References cited in Office Action dated November 13, 2006 for U.S. Patent Application No. 10/501,268

\*\*\*\*\* References cited in Office Action dated November 20, 2006 for U.S. Patent Application No. 09/709,162

**OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)**

		Copy of Office Action dated August 24, 2006 for U.S. Patent Application No. 10/137,749
		Barry Cense et al., "Spectral-domain polarization-sensitive optical coherence tomography at 850nm", Coherence Domain Optical Methods and Optical Coherence Tomography in Biomedicine IX, 2005, pages 159-162 **
		A. Ymeti et al., "Integration of microfluidics with a four-channel integrated optical Young interferometer immunosensor", Biosensors and Bioelectronics, Elsevier Science Publishers, 2005, pages 1417-1421 **
		PCT International Search Report for Application No. PCT/US2006/018865 filed May 5, 2006
		International Written Opinion for International Patent application No. PCT/US2006/018865 filed May 5, 2006
		John M. Poneris, "Diagnosis of Barrett's esophagus using optical coherence tomography", Gastrointestinal Endoscopy clinics of North America", 14 (2004) pages 573-588 **
		P.F. Escobar et al., "Diagnostic efficacy of optical coherence tomography in the management of preinvasive and invasive cancer of uterine cervix and vulva", Int. Journal of Gynecological Cancer 2004, 14, pages 470-474 **
		Ko T et al., "Ultrahigh resolution in vivo versus ex vivo OCT imaging and tissue preservation", Conference on Lasers and electro-optics, 2001, pages 252-253 **
		Paul M. Ripley et al., "A comparison of Artificial Intelligence techniques for spectral classification in the diagnosis of human pathologies based upon optical biopsy", Journal of Optical Society of America, 2000, pages 217-219 **
		Wolfgang Drexler et al., "Ultrahigh-resolution optical coherence tomography", Journal of Biomedical Optics Spie USA, 2004, pages 47-74 **
		PCT International Search Report for Application No. PCT/US2006/016677 filed April 28, 2006

Examiner

Date Considered

\* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 U.S. Department of Commerce  
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.  
036140/US - 475387-00020

Serial No.  
10/765,430

**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**  
(Use several sheets if necessary)

Applicant(s)  
Guillermo J. Tearney et al.

Filing Date  
January 26, 2004

Group No.  
3737

			International Written Opinion for International Patent application No. PCT/US2006/016677 filed April 28, 2006
			Copy of Office Action dated November 13, 2006 for U.S. Patent Application No. 10/501,268
			Copy of Office Action dated November 20, 2006 for U.S. Patent Application No. 09/709,162
			PCT International Search Report and Written Opinion for Application No. PCT/US2004/023585 filed July 23, 2004

4829-8395-7761\1

Examiner

Date Considered

\* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.